Choosing Prison over Parole: Factors Associated with Prisoners' Decision to Waive Their Conditional Release Hearing[1]

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Abstract: Parole review waivers have serious implications on correctional systems, prisoners' rehabilitation, and public safety. However, studies on this topic are scarce, have limited scopes and methodologies, and lack in-depth analysis about women and Indigenous people. The purpose of this study was to examine the characteristics of prisoners who forgo parole review. Quebec's correctional services provided us with the correctional records of all parole-eligible prisoners in the province in 2014–15 (N = 3,675). A sample of men, women, Indigenous people, and non-Indigenous people assessed with the LS/CMI (n = 2,595) was selected. Hierarchical logistic regressions showed that recidivism risk and parole officers' recommendations for release have a strong statistical relationship with waivers. In addition, Indigenous people are more likely to waive a parole hearing. Moderation analyses also showed that sex and Indigenous ethnicity each moderate the effect of one factor. Results suggest that the combination of statistically significant factors, as represented by recidivism risk, explains waivers better than the specific effects of these factors viewed separately.

Keywords: conditional release, corrections, discretionary release, parole, prison, waivers

Résumé : La renonciation à une audience de mise en liberté sous condition a des répercussions importantes sur les systèmes correctionnels, la réadaptation des détenus et la sécurité publique. Cependant, il y a peu d'études sur le sujet. Celles qui existent sont d'une portée et d'une méthodologie limitées et ne

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comportent pas d'analyse approfondie sur les femmes et les Autochtones. L'objectif de la présente étude est d'examiner les caractéristiques des détenus qui renoncent a leur en vue d'une libération conditionnelle. Les services correctionnels du Québec nous ont remis les dossiers correctionnels de tous les détenus admissibles à une libération conditionnelle dans la province pour 2014-2015 (N = 3 675). Un échantillon d'hommes, de femmes, de personnes autochtones et de personnes non autochtones évalués avec le LS/CMI (n = 2 595) a été sélectionné. Des régressions logistiques hiérarchiques montrent que le risque de récidive et les recommandations de libération des agents de libération conditionnelle ont une importante relation statistique avec les renonciations. De plus, les personnes autochtones sont plus susceptibles de renoncer à une audience de mise en liberté. Les analyses de modération montrent aussi que le sexe et l'ethnicité autochtone ont chacun un effet modérateur sur un facteur. Les résultats suggèrent que la combinaison de facteurs statistiquement significatifs, comme représentée par le risque de récidive, explique mieux les renonciations que les effets particuliers des facteurs pris séparément.

Mots-clés : libération conditionnelle, services correctionnels, libération discrétionnaire, mise en liberté, prison, renonciation

Parole has been the object of a considerable number of studies in North America. However, one particular aspect of the parole process has attracted little attention from researchers to date, namely, the option for prisoners to waive their parole review and remain incarcerated until their next hearing, their statutory release, or the end of their sentence, depending on the correctional system. Waivers are of primary importance in parole procedures since they automatically end the procedures. Waivers can also have serious implications. By preventing a release process that is prepared and supported, they compromise the necessary transition between prison and the community. If overused, waivers could increase the incarcerated population and cost of imprisonment, and complicate the management of the prison population as parole plays a role in institutional control (Proctor and Pease 2000; Vacheret 2006). Waivers may also generate more risk for society: matched samples studies suggest that parolees are less likely to reoffend than people who waive parole (Ostermann 2012)[2] or who are released at the end of their prison term (Vito, Higgins, and Tewksbury 2017). In fact, those who opt out of parole might have more need of the support and programs it offers: correctional interventions should target higher-risk offenders and provide them with more intensive services to be more effective (Lowenkamp, Latessa, and Holsinger 2006), and research suggests that people who waive are at significantly higher risk of reoffending (Cabana et al. 2009). Finally, a waiver can signal obstacles to a person's rights or rehabilitation, like difficulties accessing programs (Cabana et al. 2009) or reintegrating into society (Best, Wodahl, and Holmes 2014).

Waivers of parole review

We know little about parole review waivers. Some researchers have examined the characteristics of people who choose to forgo their hearing in Canada and the United States. For example, Welsh (1999) showed that a higher proportion of Indigenous men waived a parole hearing (58.8%) than non-Indigenous men (32.9%) in Canadian penitentiaries. Cabana et al. (2009) found that people in Canadian penitentiaries who postponed or waived their first parole review or withdrew their application were significantly more likely to be Indigenous or male, to have committed a violent crime, and to have failed a previous conditional release. They were serving significantly longer sentences, had more extensive criminal histories, and were at higher risk of reoffending. Descriptive analyses also showed that a higher proportion were unemployed at the time of arrest, instigated institutional misconduct and had low education levels. In New Jersey, Ostermann (2011) compared people who waived a

parole hearing ("voluntary max outs") with parolees and prisoners who were denied parole. Findings revealed many statistically significant differences between parolees and those who chose to max out (e.g., the latter were older, scored higher on risk assessments and were more likely to be male). However, they did not significantly differ from those who were denied parole. Another U.S. study found that the presence of a mental illness increases the odds of waiving parole, even when other characteristics are controlled for (Matejkowski and Ostermann 2020). Age at release, age at first conviction, prior arrests, offence type, and risk classification predicted the use of waivers too. Sex, ethnicity, and sentence length were not statistically significant.

A few studies have shed light on the motives behind waivers. The main reasons given in interviews conducted by Cabana et al. (2009) were programming issues (42.3%), lack of support from the case management team (34.6%), factors that reflected poorly on behaviour (11.5%), disinterest in parole (9.6%), and issues with the release plan (9.6%). Farrell MacDonald (2017) looked at the reasons provided by low-risk federal prisoners in Canada when filling out parole review waiver forms. The most frequent motives were desire to avoid a refusal (28%), adoption of a new release plan (18%), program non-completion (13%), and disinterest (5%). Farrell MacDonald's analysis suggests that the profile of people who waive parole review, postpone it, or withdraw their application varies depending on their motives. In Wyoming, Best et al. (2014) identified four main motives for waiving in interviews with incarcerated men: following advice, fearing a denial or negative experience at the hearing, preferring to serve the full sentence in prison, and not wishing to return to the community before the end of the sentence (e.g., because of obstacles to social reintegration). Finally, participants in Delabruyère's (2018) interviews said they waived their right to parole review for fear of being denied or failing parole. Delabruyère's work shows that prisoners' perceptions of parole influence their decision.

Nevertheless, gaps remain in the literature on this topic. First, we do not know to what extent these findings are generalizable. Three of the seven studies cited above were conducted in the United States, three were conducted in Canadian federal penitentiaries, and one was conducted in provincial prisons in Quebec. Considering the vast differences between the U.S. and Canadian criminal justice systems and between the various correctional systems in North America at the provincial/territorial, state, and federal levels, the characteristics and motives of prisoners who waive parole might vary between jurisdictions. Those differences might explain, for example, why there was a statistically significant relationship between sentence length and waivers in Cabana et al. (2009) but not in Matejkowski and Ostermann (2020). Generalizing the results of studies on waivers across jurisdictions is all the more problematic because of the different methodologies used. For instance, Cabana et al. (2009) and Farrell MacDonald (2017) grouped day and full parole. Cabana et al. (2009) also grouped waivers, postponements, and withdrawals. Therefore, more research focused on full-parole waivers and investigating this phenomenon in different jurisdictions is necessary.

Furthermore, only one study employed multivariate statistical analyses to verify the factors that predicts waivers and detect artificial associations. Some potentially relevant factors are also absent from previous quantitative research. Qualitative studies suggest many such factors, like parole officers' recommendations for release (Cabana et al. 2009; Best et al. 2014) and precarious housing (Best et al. 2014). Affiliation with a criminal group is another as some prisoners are concerned with how the parole board might perceive them (Best et al.

2014; Cabana et al. 2009). People whose sentence includes probation after their incarceration may also be more likely to waive. In Quebec, probation begins upon completion of the full sentence (i.e., three thirds of the sentence) if the person is released on parole; if not, it begins upon statutory release, at two thirds of the sentence. Parolees are thus under community supervision for longer. This fact could make parole less attractive because some people find it more difficult than prison (Best et al. 2014).

In addition, research on waivers so far does not include any in-depth analysis about women. It either focuses on men or uses sex as just another independent variable. Therefore, we do not know if the characteristics or motives of people who waive differ for men and women. We do know there are many statistically significant differences between men and women who offend, especially regarding perceptions of sentence severity (May et al. 2005), delinquent behaviours, needs, prison experiences, criminal trajectories, and recidivism risk assessments (Reisig, Holtfreter, and Morash 2006; Sokoloff and Schenck-Fontaine 2017; Van der Meulen, De Shalit, and Chu 2018). Differences in their use of waivers might be added to the list.

Likewise, Canadian research on waivers lacks in-depth analysis about Indigenous people. Some studies compared Indigenous and non-Indigenous people, but only in terms of waiving rates (Welsh 1999; Cabana et al. 2009) or with descriptive statistics (Cabana et al. 2009; Farrell MacDonald 2017). Yet there are statistically significant differences between Indigenous and non-Indigenous offenders – for example, regarding recidivism prevention (Gutierrez, Chadwick, and Wanamaker 2018) and institutional misconduct (Ruddell and Gottschall 2014). More generally, there are cultural differences between Indigenous and non-Indigenous populations, notably in terms of justice and conflict management (Strimelle and Vanhamme 2009). Additional differences relative to waivers are thus very plausible. The over-representation of Indigenous people in Canadian detention facilities (Roberts and Reid 2017) and the continued impact of the country's colonial history on their experiences underscore the importance of investigating whether they face specific obstacles during the parole review process.

Current study

The purpose of this study was to shed more light on the characteristics of prisoners who waive parole review. More specifically, it aimed to identify the factors that are statistically associated with waivers. It also aimed to determine whether sex or Indigenous ethnicity moderate the relationship between waivers and other factors.

The study took place in Quebec's provincial correctional system, where parole is called *conditional release*; the federal equivalent is *full parole*. In Quebec's system, only prisoners serving sentences of six months or more are eligible for parole. Their sentences usually last less than two years since people sentenced to prison terms of two years or more are incarcerated in federal facilities. Parole-eligible prisoners are automatically summoned to a hearing with the parole board when they have served a third of their sentence. They receive this summons 14 days before the hearing. They can waive the hearing using an official form, which means they give up their right to parole review for the rest of their sentence and will remain in custody until their full release. However, people who waive can always change their minds and exercise their right to parole review. In 2014–15, 3.2% of the 120 people who waived changed their minds, and Quebec's parole board granted parole to 49.1% of all people reviewed (Commission québécoise des libérations conditionnelles 2015).

Methodology

Quebec's correctional services provided administrative data about all provincial prisoners eligible for parole between April 2014 and March 2015 (N = 3,675). Of these people, 29.8% were excluded, most of them (28.1%) because of missing statistical values.[3] Others were excluded because of coding errors (1.1%) or because they were in a facility where people often waive parole to participate in a unique long-term program (0.2%). The final sample (n = 2,595) included 87.2% non-Indigenous men, 6.5% non-Indigenous women, 5.6% Indigenous men, and 0.6% Indigenous women.[4] Table 1 shows the descriptive statistics and the variables used. Statistics for non-Indigenous men, non-Indigenous women, Indigenous men, and Indigenous women are provided for information purposes.

Sample and variables

The choice of variables was based on the results of prior research; the potentially relevant variables mentioned previously were also included. The dependent variable, waiver of parole review, was defined as the refusal, in writing, of a parole hearing for the rest of the person's sentence (did not waive = 0; waived = 1). It included all waivers, even when the person later changed their mind. As descriptive statistics show, waivers are common, especially among Indigenous men: 40.3% of the sample and 65.8% of Indigenous men waived.

The first set of independent variables are related to sociodemographic characteristics. Age at time of parole eligibility varied from 18 to 87 years (M = 37.9, SD = 12.5), with a high concentration (91.1% of the sample) between 21 and 59 years inclusively. Age was categorized because cross-tabulations and histograms showed that the waiving rate was highest for people ages 18 to 20, remained relatively stable until 60, and then dropped sharply. The highest education level attained at sentencing was secondary school for 86.5% of participants. For the purpose of conducting multivariate statistical analyses, primary and secondary levels were grouped as the reference category because it helped keep the regression models as simple as possible without affecting the results. Overall, 40.1% of participants stated they had a job at the time of the offence for which they were serving this sentence, and 9.1% had precarious housing (e.g., they were homeless or had housing issues) at the time of their risk assessment.

The second set of variables was about the participants' criminal records. In terms of type of offence, counting only the most serious offence[5] related to the sentence served in 2014–15, the same proportions of people were guilty of property (29.7%) or drug (29.7%) offences; 15.5% committed an offence against a person (including 0.9% sex offences) and 24.2% committed another type of offence (e.g., road traffic violations). Very few people (1.8%) were identified by the correctional services as having links to a criminal group (i.e., criminalized street gangs or organized crime).

The third set of variables concerned time in detention. A third of the sample (32.5%) had at least one record of institutional misconduct for the current sentence before their risk assessment. Over a third of participants (38.3%) were sentenced to probation after release. Sentence length varied between six months and two years minus a day (M = 12.6 months; SD = 5.6), with a few exceptions: 49 people (1.4%) were serving over two years (max = 1,130 days), mainly because they received another sentence while incarcerated. Half of the sample (51.8%) was serving less than a year, and a fifth was serving over 18 months (20.6%).

Table 1: Descriptive statistics for the study sample and for non-Indigenous men, non-Indigenous Women, Indigenous men, and Indigenous women

	Sample (*n* = 2,595)	Non-Indigenous Men (*n* = 2,266)	Non-Indigenous Women (*n* = 168)	Indigenous Men (*n* = 146)	Indigenous Women (*n* = 15)
Waiver	40.3%	39.0%	36.7%	65.8%	4
Sociodemographic Characteristics					
sex and ethnicity					
non-Indigenous men	87.2%	100%	–	–	–
non-Indigenous women	6.5%	–	100%	–	–
Indigenous men	5.6%	–	–	100%	–
Indigenous women	0.6%	–	–	–	15
age					
18–20 years	4.2%	4.4%	1.2%	5.5%	1
21–59 years	91.1%	90.7%	94.0%	93.8%	14
60 years or more	4.7%	4.9%	4.8%	0.7%	0
education					
elementary or less	5.6%	5.3%	6.0%	10.3%	3
secondary	86.5%	87.2%	76.2%	87.7%	12
college or university	7.9%	7.6%	17.9%	2.1%	0
employed at time of offence	40.1%	41.7%	22.6%	34.9%	5
precarious housing	9.1%	9.1%	8.3%	10.3%	1

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Criminal Record					
type of offence					
against a person	15.5%	14.0%	13.7%	41.8%	2
(sex offence)	(0.9%)	(0.6%)	(0%)	(6.8%)	0
property offence	29.7%	30.6%	23.8%	24.0%	3
drug offence	29.7%	31.2%	29.2%	8.9%	2
other	24.2%	23.7%	33.3%	18.5%	8
links to criminal group	1.8%	1.9%	1.2%	0.7%	0
Experience in Detention					
institutional misconduct	32.5%	30.7%	55.4%	33.6%	6
probation after incarceration	38.3%	38.5%	38.7%	37.0%	3
sentence length (in months) [a]	12.6 (5.6)	12.6 (5.6)	11.9 (5.5)	11.2 (5.2)	10.0 (3.4)
Correctional History					
prison experience	60.8%	61.9%	39.3%	69.2%	6
community sentence experience	52.8%	51.9%	42.9%	76.7%	9
community supervision failure	22.0%	21.9%	19.6%	30.1%	4
Assessment					
recidivism risk [a]	23.8 (8.4)	23.8 (8.4)	22.2 (8.9)	27.9 (6.7)	24.2 (7.4)
positive recommendation	49.7%	49.6%	57.1%	40.4%	11

Note: [a] Averages shown with standard deviation in parentheses.

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The fourth set of variables related to correctional history. More than half of the sample (60.8%) had prior prison experience (i.e., at least one sentence served in a provincial or federal detention facility in Quebec), and 52.8% had prior experience with community sentences (i.e., probation, conditional sentence of imprisonment or community service) in the province. Although the number of custodial or community sentences varied greatly, dichotomous variables (prior experience or not) were created to keep the models as simple as possible. A smaller proportion of the sample (22.0%) experienced failure under community supervision, meaning they breached probation or had parole revoked during a previous sentence.

The last set of variables concerned assessments carried out by the correctional services. Recidivism risk was measured with the score participants received in the first section of the Level of Service/Case Management Inventory (LS/CMI) at the beginning of the sentence they served in 2014–15. The LS/CMI is an assessment and case management tool whose first section estimates the reoffending risk of an adult on a scale of 0 to 43; the higher the score, the higher the risk (Andrews, Bonta, and Wormith 2004). Participants were assessed with a French version of the LS/CMI developed and validated in Quebec (Guay 2016). The scores in our sample varied from 1 to 41 (M = 23.8; SD = 8.4). Finally, half of the participants (49.7%) had received a positive recommendation for release, meaning their parole officer recommended their release following the risk assessment.

Analytical strategy

Chi-square tests were first conducted to see whether missing values were random. Chi-square tests and logistic regressions were then performed to examine whether factors that were potentially relevant but not covered by prior research were associated with waivers and should be included in the study. There was no statistically significant relationship between waivers and spoken language, prior success on parole, or having been granted a temporary leave before parole eligibility, so these variables were not retained. Next, hierarchical logistic regression models were used to identify factors associated with waivers and examine whether certain variables became statistically non-significant when others were accounted for.[6]

Last, moderation analyses were conducted to determine whether sex or Indigenous ethnicity moderate the relationship between waivers and all the other variables. A moderation effect occurs when a variable strengthens, weakens, or reverses the nature of a relationship between other variables. Moderation analyses thus allowed us to investigate the differences between men and women and between Indigenous and non-Indigenous people with regard to waiving. The moderation tests were performed with logistic regression models using the Process macro (version 3.5.3) in IBM SPSS Statistics 25 (Hayes 2013). This macro computes logistic regression analyses to test for moderation effects between the dependant variable and independent variables. It can be used to determine whether a variable influences the relationship between two other variables and, if it does, how strong this effect is.

For this study, each independent variable was tested in a separate logistic regression model that also included three control variables (recidivism risk, recommendation, and either sex or Indigenous ethnicity), one moderator variable (either sex or Indigenous ethnicity), and waiving (the dependent variable). In other words, the effect of only one moderator variable and one independent variable was examined in each model. For example, this analysis tested whether the relationship between sentence length and waivers is the same for women

and men when we control for recidivism risk, recommendation, and Indigenous ethnicity. Recidivism risk and recommendation were used as control variables in the moderation analyses because the hierarchical regressions showed they have a strong, statistically significant relationship with waivers. (Neither sex nor Indigenous ethnicity moderated the relationship between waivers and risk or recommendation.)

Findings

Table 2 presents the results of the hierarchical logistic regressions. The final model was statistically significant ($p < .001$) and explained 33.1% of the variance. It correctly predicted waivers in 73.1% of cases, a 22.2% improvement in predictive power relative to the baseline rate of 59.8%.

In the first regression model, Indigenous people were significantly more likely to waive than non-Indigenous people. They remained so even when variables pertaining to sociodemographic characteristics, criminal record, experience in detention, correctional history, and risk assessment were taken into account. In the final model, Indigenous people were 2.1 times as likely to waive parole as non-Indigenous people (odds ratio [OR] = 2.06). Women were not significantly more or less likely to waive than men.

In the second model, other sociodemographic characteristics explained little of the decision to forgo parole review (Nagelkerke R^2 = 8.1%), and only one of those variables remained statistically significant in the last model. Indeed, people who had a job at the time of their offence were less likely to waive than those who were unemployed. The other sociodemographic characteristics (age, education level, precarious housing) were statistically significant until other variables were controlled for, mainly recidivism risk and parole officers' recommendations.

Adding the type of offence and links to a criminal group increased the explained variance of the model from 8.1% to 11.3%. Offence type remained statistically significant in the last model: people who had committed a drug offence or an "other" offence were less likely to waive parole than those who had committed an offence against a person. Property offence and known affiliation with a criminal group were statistically significant until risk and recommendation were accounted for.

The variables related to the prison experience slightly increased the model's explained variance to 13.6%. Having to serve probation after the incarceration significantly increased the likelihood of a waiver. In addition, the longer the sentence, the less likely prisoners were to waive parole. Institutional misconduct increased the likelihood of a waiver at first, but this relationship became statistically non-significant in the last model.

Correctional history also had little impact on the variance explained by the model, increasing it only from 13.6% to 15.5%. Experience in detention and failure under community supervision each increased the odds of a waiver but became statistically non-significant when risk and recommendation were controlled for. Prior experience with probation, community service, or a conditional sentence of imprisonment was not significantly associated with waivers.

The last model, which incorporated risk and recommendation, more than doubled the model's explained variance to 33.1%. The likelihood of a waiver was four times lower for

Table 2: Results of the hierarchical logistic regressions

	Model 1 OR	Model 2 OR	Model 3 OR	Model 4 OR	Model 5 OR	Model 6 OR
Sociodemographic Characteristics						
sex: female	0.79	0.74	0.79	0.67*	0.75	0.94
ethnicity: Indigenous	2.61***	2.46***	2.12***	2.13***	2.04***	2.06***
age						
18–20 years		1.39	1.30	1.18	1.72*	1.26
21–59 years (ref.)		–	–	–	–	–
60 years or more		0.60*	0.73	0.80	0.87	1.09
education						
secondary or lower (ref.)		–	–	–	–	–
college or university		0.62**	0.64**	0.66*	0.71*	0.99
employed at time of offence		0.52***	0.53***	0.55***	0.59***	0.80*
precarious housing		2.21***	1.95***	1.85***	1.68***	1.35
Criminal Record						
type of offence						
against a person (ref.)			–	–	–	–
property			0.77*	0.77*	0.77*	0.80
drug			0.49***	0.54***	0.59***	0.73*
other			0.42***	0.46***	0.49***	0.61***
links to criminal group			2.48**	2.47**	2.46**	1.88
Experience in Detention						
institutional misconduct				1.75***	1.66***	1.08
probation after incarceration				1.20*	1.21*	1.22*
sentence length (months)				0.97***	0.97***	0.98**
Correctional History						
prison experience					1.41***	0.90
community sentence experience					1.17	0.98
community supervision failure					1.37**	1.09
Assessment						
recidivism risk						1.08***
positive recommendation						0.25***
constant	0.64***	0.81***	1.30*	1.36*	0.86	0.33***
Nagelkerke R^2 (%)	1.8	8.1	11.3	13.6	15.5	33.1

Note: OR = odds ratio. * $p < .05$ ** $p < .01$ *** $p \leq .001$

people who had a positive recommendation from their parole officer (OR = 0.25) and 7.7% higher with each additional unit on the LS/CMI score (OR = 1.08). As previously mentioned, many other variables became statistically non-significant when these two were included in the regression. This suggests that correctional services assessments accord a lot of importance to those factors.

After the hierarchical logistic regressions, the moderation analyses were conducted. There were two statistically significant moderating effects, illustrated in Figures 1 and 2. First,

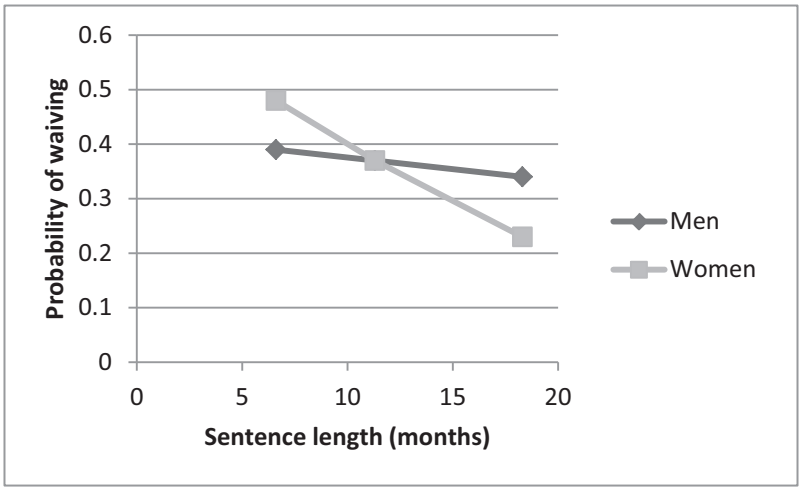

Figure 1: Moderating effect of sex on the relation between sentence length and waiving.

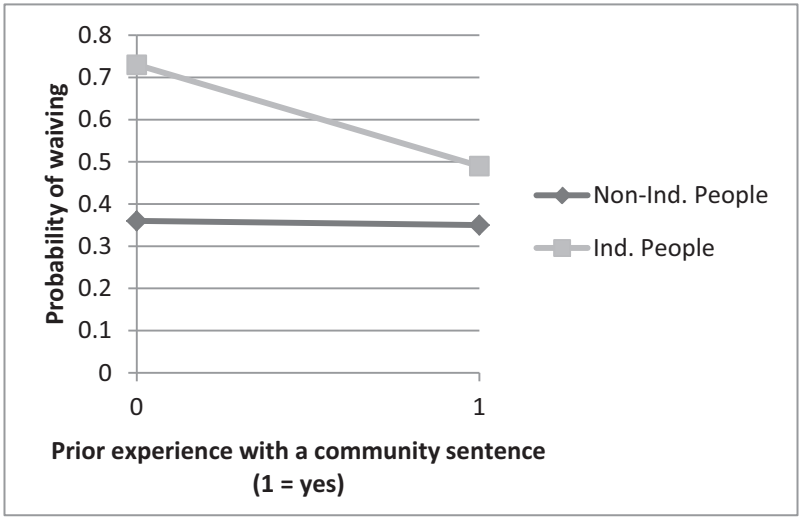

Figure 2: Moderating effect of Indigenous ethnicity on the relation between experience with a community sentence and waiving.

Note: Non-Ind. = non-Indigenous; Ind. = Indigenous.

results showed that sex moderates the relation between sentence length and waiving (χ^2 (1) = 4.50; $p < .05$). As in the hierarchical regressions, sentence length was statistically significant ($p < .05$) in the regression model that included sex as a moderator variable ($p < .001$; Nagelkerke $R^2 = 0.32$). It was significant for both women and men ($p < .05$), but this relationship was stronger for women. For example, men serving a 6.6-month sentence had a 39.2% probability of waiving, whereas those serving 18.3 months had a 34.1% probability of waiving. In contrast, women serving 6.6 months had a 48.0% probability of waiving, compared to a 22.5% probability for those serving 18.3 months.

Second, Indigenous ethnicity moderated the relationship between waivers and experience with a community sentence (χ^2 (1) = 5.63; $p < .05$). As in the final model of the hierarchical regressions, there was no statistically significant association between experience with a community sentence and waivers in the regression model that included ethnicity as a moderator variable ($p < .001$; Nagelkerke $R^2 = 0.32$). However, the moderation analysis showed there was a statistically significant association between these two variables for Indigenous people ($p < .05$): those who had served a community sentence before had a 48.6% probability of waiving, compared to a 72.9% probability for those who had not. Experience with a community sentence was not significant for non-Indigenous people: the probability of waiving was almost identical for those who had served a community sentence before (35.4%) and those who had not (35.5%).

Discussion

This study aimed to establish the characteristics of prisoners who waive parole review. We draw four main conclusions from the results of the hierarchical logistic regressions and moderation analyses: (1) prisoners' assessments have a strong statistical relationship with the decision to waive; (2) several other factors have a direct, albeit weaker, statistical relationship with waivers, one of which is moderated by sex; (3) some factors appear to have an indirect relationship with waivers; (4) Indigenous people tend to approach parole in a specific way.

Risk and recommendation

Among all our independent variables, two stand out because of their relationship with waivers: recidivism risk (measured by the LS/CMI score) and the parole officer's recommendation for release. Indeed, both had substantial effect sizes in the hierarchical regressions; their inclusion in the regression model led to a large increase in explained variance; and many other variables became statistically non-significant when risk and recommendation were controlled for. Results of the regressions showed that the higher the risk score, the higher the likelihood of waiving parole. This is consistent with Cabana et al. (2009) and Matejkowski and Ostermann (2020). In addition, a positive recommendation was associated with a much lower likelihood of waiving.

There are at least three possible explanations for the effect of recidivism risk. First, people who receive higher LS/CMI scores could be more doubtful of their chances of being granted parole since the board's decision is influenced by the risk assessment. Second, those prisoners may be less interested in parole because people with higher LS/CMI scores have more needs in terms of community re-entry and social reintegration. As a result, parole may seem harder and less appealing to them than to people with a lower score. Third, they may be more concerned about parole being revoked, especially considering that stricter

conditions are imposed on people perceived to be high risk. Delabruyère (2018) shows that caseworkers question the ability of higher-risk prisoners to meet parole conditions; the prisoners then internalize those doubts.

As for positive recommendation for release, a parole officer's perceptions of a prisoner's odds of being granted and completing parole may influence the prisoner's decision about trying for parole or waiving it. Prisoners may trust the officers' knowledge of the parole board's decision-making process or internalize the officers' degree of confidence in their ability to succeed upon release. People who receive a negative recommendation may also waive their hearing because they expect an unpleasant experience with the board or limited support from their parole officer to prepare for the hearing.

All of these hypotheses on risk and recommendation reflect the reasons for waivers detailed in Cabana et al. (2009), Best et al. (2014), Farrell MacDonald (2017), and Delabruyère (2018). It is hard to propose distinct hypotheses for these two variables as they are similar: both arise from an assessment of the prisoner's rehabilitation potential, and recommendations are presumably based partly on risk level.[7] However, they are both statistically and independently associated with waivers, so they measure different things. Their respective effects on waivers remain difficult to understand and distinguish.

If the hypotheses above are true, statutory release at two thirds of the sentence likely serves as an additional incentive to waive for prisoners with higher risk scores or a negative recommendation. Indeed, people who are not interested in parole or who fear revocation might prefer to waive and wait for statutory release. First, community supervision is often considered more difficult than incarceration (Best et al. 2014; F.-Dufour 2015), mainly because of the close supervision it entails. Living in a halfway house and fulfilling the many responsibilities that come with parole conditions, like attending programs and reporting to a parole officer (Delabruyère, 2018), is also challenging (Autixier 2016). Even parolees who have a positive experience with parole find it difficult (Autixier 2016). Second, statutory release in Quebec's correctional system comes with no conditions or supervision; the sentence effectively ends after two thirds of it has been served. In comparison, parole conditions and supervision end only on completion of the full sentence. Parolees who breach conditions risk having their parole revoked and being re-incarcerated until they serve their full sentence. Therefore, even though conditional release begins earlier than statutory release, some prisoners, especially those with a higher risk score or a negative recommendation, likely prefer statutory release because it lets them serve a shorter, less onerous sentence with no risk of failure.

Other statistically significant factors

Several other factors seem to be directly associated with waivers, although these relationships are weaker than those involving risk or recommendation. People who had jobs when they committed their offence are less likely to waive parole. Perhaps they have stronger links with the community and more positive employment prospects after release. This could make them more interested in early release, facilitate their release plan, and increase their odds of being granted and completing parole. In Best et al. (2014), financial or employment difficulties contributed to many participants' decision to waive.

Offence type is also statistically linked to waivers. People found guilty of a drug offence or an offence categorized as "other" are less likely to waive parole review than those who

committed an offence against a person. Perhaps the latter make this decision more often because they think they will be judged more harshly at the hearing because of the nature of their offence. However, there was no difference between people who committed an offence against a person and those who committed a property offence. Our results contrast with Matejkowski and Ostermann's (2020) finding that people who committed property or public order offences are more likely to waive than those who committed violent offences.

Moreover, people who had to serve probation after their incarceration are more likely to waive. In Quebec, probation that follows incarceration begins upon completion of the prison sentence, that is, at two thirds of the sentence in the case of statutory release and at three thirds (the full sentence) in the case of parole. As a result, parolees are under community supervision for longer. This could make parole less attractive to prisoners who have to serve probation since some find community supervision more difficult than incarceration (Best et al. 2014; F.-Dufour 2015). This finding suggests that sentencing an offender to probation can backfire by preventing the implementation of another measure designed to promote rehabilitation and public safety.

The hierarchical regressions also showed that the longer the sentence, the less likely people are to waive. This result contrasts with Matejkowski and Ostermann's (2020) finding that sentence length is not statistically associated with waivers. People serving shorter sentences could be more likely to waive because they have less time to prepare a release plan or complete programming. Another possibility is that statutory release seems preferable to parole when serving a shorter sentence as the interval between the two is relatively small. That said, the moderation analyses showed that sex moderates the relation between sentence length and waiving: although statistically significant for both women and men, this association is much stronger for women. This is probably because women and men have different perceptions of sentence severity. May et al. (2005) found that female offenders are willing to serve more of a given noncustodial sentence than male offenders to avoid imprisonment. Perhaps women serving longer sentences are more anxious to be released or more willing to give parole a try than men serving equivalent sentences. Another possibility is that institutional practices within correctional services differ for men and women. For example, maybe women serving longer sentences are more encouraged or supported than men during the parole process.

When interpreting the results about sentence length – as well as the rest of the findings – it is worth remembering that all but a few participants were serving sentences ranging from six months to two years minus a day. These results might not be generalizable to people serving longer sentences, like federal prisoners. Longer sentences might actually make them less eager to be released and more inclined to waive, by giving them more time to get used to the prison environment, further institutionalizing them, and making reintegration more challenging and worrisome (Best et al. 2014). In addition, statutory release at the federal level comes with conditions and supervision, unlike in Quebec's system. Federal prisoners likely consider this when evaluating the relative costs and benefits of parole and statutory release.

It is also worth noting that age at time of parole eligibility and correctional history were not statistically associated with waivers when variables related to the criminal record and correctional assessments were controlled for. This contrasts with Matejkowski and Ostermann's (2020) finding that age at release and prior arrests were statistically associated with waivers

even when variables like offence type or risk classification were controlled for. Moreover, sex was not statistically associated with waivers in our analyses; this finding differs from Cabana et al.'s (2009) bivariate results but is consistent with Matejkowski and Ostermann (2020)'s multivariate results.

The non-significance of certain factors

Many factors that were statistically associated with waivers in the regression models became non-significant when risk and recommendation were added: education level, precarious housing, property offence, links to a criminal group, institutional misconduct, prison experience, and prior failure under community supervision. Nevertheless, it would be a mistake to conclude that these factors are not related to waivers because their effects cannot be observed in the final model. Since they are taken into account during parole officers' assessments (Charette 2019), they increase the perceived risk of recidivism and negatively impact the officers' recommendations, two factors that have a strong statistical relationship with waivers.

Our results also showed that the variance explained by the first five models of the hierarchical regressions was low but more than doubled with the inclusion of risk and recommendation. This suggests that the presence of several statistically significant factors at once explains waivers better than the individual effect of these factors. In other words, the combination of factors (as represented by a higher LS/CMI score) seems to have a larger effect on waiving than the factors themselves when viewed separately.

Indigenous specificity

Finally, our results show that Indigenous people are more likely to waive parole review than non-Indigenous people, even when variables pertaining to sociodemographic characteristics, criminal record, experience in detention, correctional history and correctional assessment are accounted for. This finding recalls Canadian studies on federal inmates that showed that Indigenous men (Welsh 1999) and Indigenous prisoners (Cabana et al. 2009) were more likely to waive their hearing. One possible explanation is that statutory release seems preferable to parole to many Indigenous people. Since Indigenous people often live in small, remote communities where no community resources exist (Public Inquiry 2019), parole means moving to a halfway house far from home and loved ones until the end of their sentence. Waiving parole lets Indigenous people go home sooner, thanks to statutory release. Indigenous prisoners interviewed by Delabruyère (2018) and Gauvin (2020) shared this viewpoint. Other hypotheses could be proposed, like mistrust of the correctional system, as Welsh (1999) suggests, or ill-adapted programming. However, since the literature on this topic is still limited, this result must be interpreted with caution. Language barriers, at any rate, do not seem to explain this finding: additional logistic regressions (not shown) revealed that spoken language (French, English, or other) is not statistically associated with waivers. This result is still concerning, as it suggests this population faces specific problems.

Another trend specific to Indigenous people pertains to prior community sentences. This variable was not statistically associated with waivers in the final model of the hierarchical regressions, but the moderation analyses revealed that ethnicity moderates this relation: Indigenous people who have served community sentences before are less likely to waive than those who have never served them. Those who have experience with community sentences could be more interested in parole because they don't face the same obstacles as

other Indigenous people. Indeed, current models for community supervision do not seem to be adequate for Indigenous people in general. Supervision conditions, like mandated therapy or an interdiction to see the victim, are ill-adapted to their realities since they often live in small, remote communities with few resources (Public Inquiry 2019). Moreover, as mentioned previously, some Indigenous people forgo parole review to avoid moving to a halfway house far from home. Therefore, Indigenous people who have served community sentences before probably come from communities that have more resources, have profiles that are more adequate for conditional release, and can prepare a release plan more easily. Experience with community sentences is probably not statistically significant for non-Indigenous people because community supervision is more adapted and accessible to them.

Nevertheless, we still know little about Indigenous people's motives to waive compared to non-Indigenous people. In an ideal world, we would have accounted for the diversity of Indigenous nations by testing parameters that the small number of Indigenous participants prevented us from using, like their nation of origin. Indeed, histories, cultures, languages, and socio-political contexts vary between nations. Remoteness from urban centres, availability of community resources, and unemployment rates vary between nations and communities as well. As a result, they cannot be considered a homogeneous whole.

Conclusion

Waivers of parole review are of central importance in parole procedures and can have serious implications on the social reintegration of prisoners, the management of prisons, and public safety. As our descriptive statistics showed, they are also common: 40.3% of the sample waived their hearing. To improve our knowledge about the people who make this decision, the present study examined the characteristics of prisoners who waive in Quebec's correctional system. It built on previous research by employing multivariate analysis to reveal the interconnectedness of certain factors, by comparing prisoners based on whether they waive parole review, by using variables that previous studies did not include, and by investigating the moderating effects of sex and Indigenous ethnicity.

Several factors that are statistically associated with waivers were identified, such as recidivism risk and parole officers' recommendations for conditional release. Sentence length is also directly associated with waivers, and this relationship is stronger for women than men. Moreover, findings suggest that the number of statistically significant factors present at once, as illustrated by the LS/CMI risk score, explains waivers better than the individual effect of those factors viewed separately. Finally, Indigenous people are more likely to waive even when other factors are controlled for, and prior experience with community sentences is statistically associated with waivers for Indigenous people only.

Nevertheless, any study on parole waivers inevitably raises a question: would parole have been granted to these people if they had not waived it? More precisely, to what degree are they depriving themselves of an opportunity? Or are they avoiding a process that was doomed to fail? After all, Ostermann (2011) found that people who waive do not differ from those who are denied parole. Answering these questions would help understand the full implications of this phenomenon. For example, parole that is waived out of fear of the hearing could signal obstacles to people's rights or rehabilitation, mistrust of the correctional system, or misunderstandings about the parole process. On the other hand, if people who waive are simply not interested in parole or would be denied anyway, perhaps their decision

could be seen as natural and effective sorting and as an economy of resources. The present study brings no clarity on this point.

This study has other limitations. First, it did not include dynamic factors, yet changes during incarceration might contribute to the decision to waive. Second, we do not know to what extent the results are generalizable to people serving incarceration sentences of two years or more. The differences between Indigenous and non-Indigenous people in this study might not reflect the situation in the whole country either because Indigenous people's interactions with the criminal justice system vary from one province or territory to another. For example, the over-representation of Indigenous people in prison is lower in Quebec than in most provinces and territories (Roberts and Reid 2017). Third, the relatively low number of women and Indigenous people in the sample may have limited the statistical power of our moderation analyses. These tests may have revealed more moderation effects if the sample included more women and Indigenous people. Finally, the moderating effect of sex could be due to institutional differences because most women in the sample were incarcerated in single-sex facilities. Unfortunately, variables about detention facilities could not be included in this study because the information on the place of incarceration was incomplete in the database.

More research is needed to understand the particular relationship between Indigenous people and waivers. The real implications of this decision also deserve to be investigated further, along with the relationship between waivers, parole officers' recommendations, and recidivism risk. Likewise, it could be pertinent to examine factors that could not be included in this study (e.g., knowledge of the parole process, prior denials). Finally, it would be interesting to analyse the timing of waivers. For instance, 38.8% of the people who waived in our sample did so before being summoned to their hearing, 51.5% waived during the 14 days between the summons and the hearing, and 11.8% waived during the hearing. It could be useful to know when exactly waivers occur before the summons and what influences this distribution.

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Notes

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2 However, findings in Ostermann (2012) contradict a prior study by the same author (2011) that found no statistically significant difference between those groups for their reoffending risk.

3 Most people who were excluded because of missing statistical values (86.1%) were not assessed with the LS/CMI during the sentence served in 2014–15. Chi-square tests showed that people who were found guilty of sex offences or who waived parole were moderately and significantly over-represented among those without an LS/CMI assessment; those found guilty of drug offences were slightly under-represented. This is mainly because people who commit sex offences are usually assessed with another tool and are more likely to waive. These differences were relatively

minor, so we included variables from the LS/CMI in our analysis, despite its leading to many exclusions, because of the richness of the data and its predictive power. The other missing statistical values were a little more frequent for participants with no prior convictions. Each new interaction with the correctional system seems to reduce the odds of an incomplete file.

4 In comparison, people who reported an Indigenous identity accounted for 2.3% of Quebec's population in 2016 (Statistics Canada 2017).

5 Correctional services determined the most serious offence before extracting the data. The method for determining offence gravity considered several variables, such as offence type and sentence length.

6 We analysed all independent variables to ensure there were no high correlations (Pearson value below 0.5) or multicollinearity (VIF lower than 3). Multicollinearity occurs when two or more variables measure the same phenomenon. This could have been a problem in our models because certain variables are also measured in the risk assessment or taken into account in parole officers' recommendations.

7 Risk explained 22.2% of the variance, while recommendation explained 22.4%. Combined in the same model, they explained 30.7% (rather than 44.6%), which suggests a common variance of 13.9%.

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